

Before the
FEDERAL COMMUNICATIONS COMMISSION FILED/ACCEPTED
Washington, D.C. 20554

FEB 28 2007

Federal Communications Commission
Office of the Secretary

In the matter of

Amendment of Part 97 of the Commission's
Rules Governing the Amateur Radio Service
Concerning Qualifying Examination Systems

RM- _____

To: The Chief, Wireless Telecommunications Bureau
VIA OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

I, Víctor M. Madera in behalf of the, The Puerto Rico Amateur Radio League, Inc. (PRARL), hereby respectfully request that the Commission issues at an early date a notice of Proposed Rule Making, proposing changes requested herein, in the rules governing the Amateur Radio Service. The rule changes proposed in this Petition will modify SUBPART F – Qualifying Examination Systems in the sections related to Question Pool development.

I. Introduction and Background

The Rules require that Examination Elements for the various licenses are prepared so that each question set administered to an examinee must utilize questions taken from the applicable question pools. The question pools are developed by Volunteer Examiner Coordinators (VECs) who must cooperate in maintaining one question pool for each written examination element. Each question pool must contain at least ten times the number of questions required for a single examination and must be published and made available to the public prior to its use for making a question set.

This holds true for examinations prepared in the English language but when examinations are prepared in Spanish, questions are prepared at random by examining VEs. This procedure makes it possible that a variety of examinations be prepared by individual VEs in different areas without

following a standard pattern. Examinees who take these examinations in Spanish are not treated equally. Spanish language examinations are not subject to a standard pattern since each group of VEs can prepare a different examination. There are no standard Spanish pools to study from and pools are not made public.¹

There is a large concentration² of Spanish speaking citizens and residents in the various VEC Regions such as: New Jersey, New York, Florida, Texas, California, Arizona and the Caribbean Insular areas among others.

We strongly believe that Spanish pools should be prepared when the Amateur Radio community demands it so that all potential candidates are treated equally. The preparation of the various pools must follow the same requirements and practices. If there is a unique Standard English Pool prepared by the VECs (Presently represented by the NCVEC), Spanish pools should be also prepared in the same fashion.

Presently Spanish speaking candidates cannot depend on a standard examination scheme and have no standard public domain pools to study from as the English speaking candidates have.

The intention of this Petition is to standardize the examination system so that candidates who do not master the English language are treated equally without a possible ethnic or language discrimination.

II. Conclusions

The testing requirements for all candidates must be the same. If there is a requirement for a standard and unique question pool for each Amateur Radio service license in the English language that must be made public prior to its use, it is only fair to have the same requirements for pools written in Spanish.³

¹ We have contacted the NCVEC on this matter and it appears that there is no interest to pursue the preparation of standard question pools in other than the English language.

² There are over three million puertorrican, US citizens and over 5 million foreign permanent residents whose native language is not English.

³ The PRARL sponsored by the ARRL/VEC have prepared standard Spanish Examinations and accompanying study guides including the question pools since 1994 and is in a position to furnish standard Spanish pools to the NCVEC Question Pool Committee at no expense to them. Other VECs offer examinations prepared at random by VEs individually without making question pools available to the public.

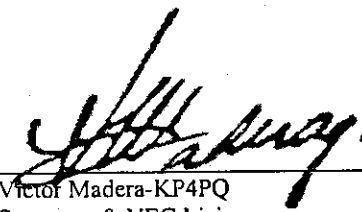
The Commission Rules as presently written cannot effectively regulate the preparation of examinations so as to provide equal opportunity to all candidates disregarding language barriers.

Therefore, the foregoing considered, the PRARL respectfully requests that the Commission issue a Notice of proposed Rule Making at an early date toward adoption of the rule changes set forth in the attached Appendix, and adopt this proposal for the benefit of the Amateur Radio Service.

Puerto Rico Amateur Radio League

PO Box 191917
San Juan, PR 00919-1917

By: _____


Victor Madera-KP4PQ
Secretary & VEC Liaison

March 17, 2006

APPENDIX A PROPOSED RULE CHANGES

Part 97 of Chapter I of Title 47 of the Code of Federal regulations is proposed to be amended as follows:

Subpart F – QUALIFYING EXAMINATION SYSTEMS

§97.509 Administering VE Requirements.

(a)

(b) Each administering VE must:

(5) Be fluent in the language the test is administered.

§97.523 Question Pools

All VECs must cooperate in maintaining one question pool for each written examination element. Question Pools must be prepared by the VECs for each Element in other languages that the VEC intends to administer. Each question pool must contain at least 10 times the number of questions required for a single examination. Each question pool must be published and made available to the public prior to its use for making a question set. Each question on each VEC question pool must be prepared by a VE holding the required FCC-Issued operator license. See §97.507(a) of this Part.